



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: P. Goelet, *et al.*

Art Unit: 1643

Appl. No. 09/258,132

Examiner: Unassigned

Filed: February 26, 1999

Attorney Docket: 04990.0007.US01

For: **NUCLEIC ACID TYPING BY  
POLYMERASE EXTENSION OF  
OLIGONUCLEOTIDES USING  
TERMINATOR MIXTURES**

**Response To Notice To File  
Missing Parts Of Application  
Filing Date Granted**

Assistant Commissioner for Patents  
Washington, D.C. 20231  
**ATTN: Box Missing Part**

Sir:

In response to the **Notice to File Missing Parts of Application--Filing Date Granted** dated March 24, 1999, Applicant submits the following documents for appropriate action by the U.S. Patent and Trademark Office:

- ☒ Copy of the Notice to File Missing Parts;
- ☒ Copy of the Utility Patent Application Transmittal;
- ☒ Check number 310248 in the amount of \$1643; and
- ☒ Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

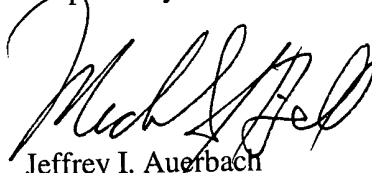
**The Notice to File Missing Parts of Application--Filing Date Granted lists fees for a non-small entity despite the fact that that small entity statement was filed with the prior application and the Status is still proper and desired, as indicated on the enclosed**

**copy of the Utility Patent Application Transmittal form.** It is therefore believed proper that the fees are calculated as follows:

Basic filing fee under §1.16(a)	\$380
2 Independent claims in excess of three under §1.16(b)	2 X \$39 = \$78
110 Claims in excess of twenty under §1.16(c)	110 X \$9 = \$990
Multiple dependent claim surcharge under §1.16(d)	\$130
<u>Late filing fee surcharge under §1.16(e)</u>	<u>\$65</u>
<b>TOTAL</b>	<b>\$1643</b>

If extensions of time under 37 C.F.R. §1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to Howrey & Simon Deposit Account No. 08-3038. A duplicate copy of this Response is enclosed.

Respectfully submitted,


  
Jeffrey I. Auerbach  
Registration No 32,680

*Reg No 32,680*  
*JS*

HOWREY & SIMON



May 19, 1999

Sectoy   
Attorneys at Law  
1299 Pennsylvania Ave., NW  
Washington, DC 20004-2402  
(202) 783-0800  
FAX (202) 383-6610

**Jeffrey I. Auerbach**  
(202) 383-7451  
auerbachj@howrey.com

Assistant Commissioner for Patents  
Washington, D.C. 20231

Re: Appl. No. 09/258,132; Filed: 02/26/99  
For: **Nucleic Acid Typing By Polymerase Extension of  
Oligonucleotides Using Terminator Mixtures**  
Inventors: P. Goelet, *et al*  
Our Ref: 04990.0007.US01

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

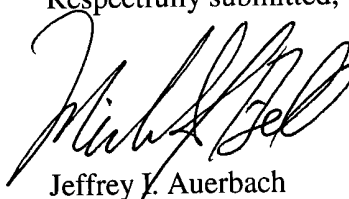
1. Notice to File Missing Parts of Application;
2. Reply to the Notice to File Missing Parts of Application;
3. Copy of Utility Patent Application Transmittal;
4. Check Number 310248 in the amount of \$1,643; and
5. Return Postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Assistant Commissioner for Patents  
May 19, 1999  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. A duplicate copy of this letter is enclosed.

Respectfully submitted,

 Reg. No. 32,680  
Jeffrey I. Auerbach  
Registration No. 32,680

Enclosures



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/258,132	02/26/99	GOELET	P 04990.0007.U

JEFFREY I AUERBACH  
HOWERY & SIMON  
1299 PENNSYLVANIA AVENUE NW  
BOX 34  
WASHINGTON DC 20004-2402



NOT ASSIGNED

1643

DATE MAILED:

03/24/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 3280.00.

☒ 1. The statutory basic filing fee is:

- ☐ missing.  
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ 1980.00 for 110 total claims over 20.

\$ 156 for 2 independent claims over 3.

\$ 260.00 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3. The oath or declaration:

- ☐ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer/Service Center  
Initial Patent Examination Division (703) 308-1202

01 FC:205  
02 FC:206  
03 FC:207  
04 FC:208  
05 FC:209  
06 FC:210  
07 FC:211  
08 FC:212  
09 FC:213  
10 FC:214  
11 FC:215  
12 FC:216  
13 FC:217  
14 FC:218  
15 FC:219  
16 FC:220  
17 FC:221  
18 FC:222  
19 FC:223  
20 FC:224  
21 FC:225  
22 FC:226  
23 FC:227  
24 FC:228  
25 FC:229  
26 FC:230  
27 FC:231  
28 FC:232  
29 FC:233  
30 FC:234  
31 FC:235  
32 FC:236  
33 FC:237  
34 FC:238  
35 FC:239  
36 FC:240  
37 FC:241  
38 FC:242  
39 FC:243  
40 FC:244  
41 FC:245  
42 FC:246  
43 FC:247  
44 FC:248  
45 FC:249  
46 FC:250  
47 FC:251  
48 FC:252  
49 FC:253  
50 FC:254  
51 FC:255  
52 FC:256  
53 FC:257  
54 FC:258  
55 FC:259  
56 FC:260  
57 FC:261  
58 FC:262  
59 FC:263  
60 FC:264  
61 FC:265  
62 FC:266  
63 FC:267  
64 FC:268  
65 FC:269  
66 FC:270  
67 FC:271  
68 FC:272  
69 FC:273  
70 FC:274  
71 FC:275  
72 FC:276  
73 FC:277  
74 FC:278  
75 FC:279  
76 FC:280  
77 FC:281  
78 FC:282  
79 FC:283  
80 FC:284  
81 FC:285  
82 FC:286  
83 FC:287  
84 FC:288  
85 FC:289  
86 FC:290  
87 FC:291  
88 FC:292  
89 FC:293  
90 FC:294  
91 FC:295  
92 FC:296  
93 FC:297  
94 FC:298  
95 FC:299  
96 FC:300  
97 FC:301  
98 FC:302  
99 FC:303  
00 FC:304

Please type a plus sign (+) inside this box → ☐

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> <small>(Only for new nonprovisional applications under 37 CFR 1.53(h))</small>		Attorney Docket No. 04990.0007.US01	
		First Named Inventor or Application Identifier Philip Goelet et al	
		Title	Nucleic Acid Typing by Polymerase Extension of Terminator Mixtures
		Express Mail Label No.	

<b>APPLICATION ELEMENTS</b> <small>See MPEP chapter 600 concerning utility patent application contents</small>	<b>ADDRESS TO:</b> Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
---	---

1. ☒ \*Fee Transmittal Form (Form PTO-1082)  
(Submit an original and a duplicate for fee processing)

2. ☒ Specification [Total Pages 61]  
(preferred arrangement set forth below)

- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R&D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claims
- Abstract of the Disclosure

3. ☒ Drawing(s) (35 USC 113) [Total Sheets 8]


4. Oath or Declaration [Total Pages 4]

a. ☐ Newly executed (original or copy)

b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)  
[Note Box 5 below]

i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

5. ☒ Incorporation By Reference (useable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.



6. ☐ Microfiche Computer Program (Appendix)

7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

a. ☐ Computer Readable Copy

b. ☐ Paper Copy (identical to computer copy)

c. ☐ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

8. ☐ Assignment Papers (cover sheet & document(s))

9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)

10. ☐ English Translation Document (if applicable)

11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations

12. ☐ Preliminary Amendment

13. ☒ Return Receipt Postcard (MPEP 503) (Two)  
(should be specifically itemized)

14. ☐ \*Small Entity Statement(s) ☒ Statement filed in prior application, Status still proper and desired

15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)

16. ☐ Other:

\*NOTE FOR ITEMS 1 & 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

17. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:


☒ Continuation    ☐ Divisional    ☐ Continuation-in-part (CIP)    of prior application No: 07/664,837

Prior Application Information: Examiner: Arthur, L.    Group/Art Unit: 1634

**18. CORRESPONDENCE ADDRESS**

☐ Customer Number or Bar Code Label    or    ☒ Correspondence address below

(Insert Customer No. or Attach bar code label here)

NAME	Jeffrey I. Auerbach				
	HOWREY & SIMON				
ADDRESS	Box No. 34				
	1299 Pennsylvania Avenue, N.W.				
CITY	Washington	STATE	DC	ZIP CODE	20004-2402
COUNTRY	US	TELEPHONE	202-783-0800	FAX	202-383-7195
Name (Print/Type)	Jeffrey Auerbach		Registration No. (Attorney/Agent)	32,680	
Signature			Date	2/26/99	